

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The Examiner has objected to the term "substantially" as set forth in claim 17 of the instant application. Applicant respectfully requests the Examiner to remove this rejection. It is well established that the term "substantially" is a term which is acceptable and often used in claim language. In this regard, the Examiner's attention is drawn to MPEP 2173.05(d).

With regard to the objection raised by the Examiner to claim 27, claim 27 has been amended to overcome the inadvertent typographical error.

With regard to the rejection of claim 19 under 35 U.S.C. 112, first paragraph, Applicant has canceled claim 19.

The Examiner has rejected claims 16, 17 and 18 under 35 U.S.C. 102(e) as being anticipated by Fergusson 2004/0136789. Applicant respectfully traverses the Examiner's rejection for the reasons set forth hereinbelow.

Initially, it should be noted that the Fergusson application does not constitute prior art under 35 U.S.C. 102. A review of the cover page of the Fergusson document shows that the filing date of the document in the United States was March 8, 2004. The application cover page sets forth an application priority date of June 21, 2002, more than one year prior to the U.S. filing date. Such a claim for priority would be invalid. A review of the office records indicates that the actual filing date of the priority application was June 21, 2003, a full six months after the filing date of the priority application of the instant application. Accordingly, the Fergusson publication does not constitute prior art.

Be that as it may, the Fergusson document does not

anticipate, teach, disclose, suggest, or render obvious the subject matter of claims 16-18.

Applicant has examined Figures 12-14 and paragraph 0038 carefully and can find no disclosure of a rock bolt shaft having a relatively narrow portion with an adjacent anchor member of complementary shape.

In particular, nowhere in Fergusson is it disclosed as stated by the Examiner "a shaft (8) having a first end and a second end; the shaft having relatively wide portions adjacent the first end and the second end and a relatively narrow intermediate portion (fig. 14); an anchor (300) having a longitudinal bore; the longitudinal bore having a portion of lesser transverse diameter than that of the relatively wide portions; and the internal surface of the anchor (300) and the external surface of shaft (8) each have a profile which are complementary in shape". The Examiner is requested to point out where this is stated in the reference.

To the contrary, the text of paragraph 0038 teaches "[t]he expansion anchor 35 enables installation of the bolt so as to permit post tensioning deforms [sic] the tendon 301 thereby creating a pinch point.".

The anchor member 35 has multiple parts including complementary protrusions and recesses, which structure is quite unrelated to the claimed present invention.

The anchor member 300 has no description at all regarding its inner dimensions.

Further, Fergusson makes no comment, as stated by the Examiner, of "...the narrow portion is U-shaped comprising a base portion and two side portions that form an obtuse angle with the base (Fig. 14)." The Examiner is requested to point out where this is stated in the reference.

Figure 14 makes no enabling disclosure of a solid rock bolt shaft having a relatively narrow portion. Neither the text nor figures reference an internal profile of the anchor member nor is there any disclosure of an adjacent shaft outer profile.

Fergusson does not disclose a narrow portion of shaft. Figure 14 discloses an anchor member as pressed onto a shaft. Neither the text nor the figures disclose any narrow portion of shaft.

The other embodiments of Fergusson are even further removed from the present invention as the sinusoidal shaft appears to be of constant cross section throughout.

Further, as discussed above, Fergusson is not prior art.

Accordingly, even assuming that the Fergusson document is prior art, further the Fergusson document does not either anticipate or render obvious the subject matter of independent claim 16.

The Examiner has rejected claims 20-26 as being unpatentable over Fergusson in view of Maltby. Again, Fergusson does not constitute prior art. Be that as it may, the sum total teachings of these two documents fail to render obvious the subject matter of claims 20-26.

Maltby discloses a debonding sheath (32) extending the full length of the shaft (12). The present invention is significantly different in its construction and operation from that described in Maltby.

With reference to the pending claims, the present invention requires a section of solid shaft to be engagingly fitted with an anchor member having no debonding sheath and makes no claim for a debonding sheath extending the full length of the shaft. This is set out in claims 20 and 21.

The Examiner states the invention of the present invention

claim 22 has been prior disclosed by Maltby. Maltby discloses an anchor member of a material that is softer than the peripheral cable strands. This is quite the opposite of what is claimed in the present invention. Applicant has carefully read cited paragraph 14 and finds no mention of a heat treated steel anchor member. The Examiner is requested to point out where this is stated in the reference.

The Examiner states Fergusson discloses an anchor member having a relatively wide portion adjacent the wide portion of the shaft (8) and a portion tapered inwardly towards the second end of the shaft (Fig. 14). Applicant finds no reference in cited Figure 14 of anything at all about a shaft outer dimension or an anchor member inner dimension. Accordingly, any assertion that, in combination, Fergusson and Maltby make obvious the invention of claim 23, is without merit. The Examiner is requested to point out where this is stated in the reference.

The Examiner states that Maltby teaches nitrocarburising the longitudinal bore of the anchor. Maltby discloses an anchor member having a material softer than the shaft material. Maltby makes no mention of metallurgically treating a heat treated anchor member. The Examiner is requested to point out where this is stated in the reference.

The Examiner states that Maltby teaches a rock engaging plate (28) adjacent the second end of the shaft (12) (Fig. 2) to engage the rock face around the rock hole. However, as Fergusson is not prior art this objection is moot.

Finally, the Examiner rejects claims 27, 28 and 30 as being obvious over the Fergusson document in further view of Nes 5,636,945. Again it is noted that Fergusson does not constitute prior art. Be that as it may, the Examiner states that Nes teaches a stop portion comprising a metal ring to fasten a rock

bolt within a rock hole. Applicant respectfully submits that the Examiner is in error and has totally misinterpreted the Nes '945 document.

The expansion bushing disclosed in Nes is itself a wedge anchor member of the cited rock bolt and stops any movement of the rock bolt shaft.

The stop portion of claims 27-28 is not an anchor member but a mechanism to govern the amount of travel permissible upon yielding of the shaft.

With regard to the objection to claims 29 and 30 Applicant submits that as Fergusson is not prior art, these objections are moot.

In light of the foregoing, it is respectfully submitted that all of the claims as pending patentably define over the art of record. If the Examiner is to maintain his rejection, he must point out how Fergusson constitutes prior art. In addition, the Examiner must point out those portions of the references which purportedly disclose that which the Examiner has stated in his previous office action. Absent the foregoing, it is clear that the Examiner's rejection is improper and should be withdrawn.

The early issuance of a notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably

define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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